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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,441	07/25/2001	Masaharu Uchino	01447/LH	3048
1933	7590	04/05/2006	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			NGUYEN, DUNG X	
220 Fifth Avenue			ART UNIT	
16TH Floor			PAPER NUMBER	
NEW YORK, NY 10001-7708			2611	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/890,441	<b>Applicant(s)</b> UCHINO ET AL.	
	<b>Examiner</b> Dung X. Nguyen	<b>Art Unit</b> 2638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 23 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10, and 16 - 21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1 - 7 and 22 is/are rejected.
- 7) ☒ Claim(s) 9, 11 - 13, 15, and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Arguments***

1. Applicant's arguments filed on December 21, 2005 have been fully considered and are persuasive. However, upon further consideration, the rejection(s) has been made. Claims 8, 10, and 16 – 21 have been canceled.

***Claim Objections***

2. **Claims 9, 11 – 13, 15, and 23 are objected** to because of the following informalities:

**Regarding claims 9, 11 – 13, and 15**, "Missourians white noise signal" as recited in line 36 of claim 9 should be changed to "white noise signal" since the limitation "Missourians" has not been recited before in the claim.

**Regarding claim 23**, "said respective pseudo random means" as recited in lines 6 and 7 should be changed to "the respective pseudo random signal generating means", further, the limitations "m" and "M" in the claim need to be defined.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

*The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.*

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4. **Claims 1 – 7 and 22 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

**Regarding claim 1 – 7 and 22**, the specification of the instant application does not enable the claimed “modulating means” as recited in claim 1. According to page 11 in the specification of the instant application, the claimed wander generator apparently is directed to the wander generator shown in figure 5 or figure 39. The “modulation means”, as claimed, modulates a frequency of the clock signal generated by said clock generating means by a signal output from said filter unit. Therefore, the claimed modulation means should be connected to the output of the clock generating means (30, 31 in figure 5 or 152 in figure 39 as identified by the applicant on page 11 of the specification) and the output of the filter unit (28 in figure 5 or 125 in figure 39). However, neither figure 5 or figure 39 shows such modulation means. Further, the element 30 in figure 5 or element 1515 in figure 39 is identified as both the clock generating means and the modulation means on the same page of the specification. However, the specification never teaches how the element 30 in figure 5 or 151 in figure 39 may generate a clock signal and modulate its own output clock signal output from the filter unit.

***Allowable Subject Matter***

5. **Claims 9, 11 – 13, 15, and 23 would be allowable** if rewritten to overcome the objection(s), set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. **Claim 14 is allowed.** The following is an examiner’s statement of reasons for allowance:

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**Regarding to the claimed invention**, the prior art of record fails to show or render obvious of a wander generator, comprising a random number signal generator unit, a filter unit, a clock generator unit, and a setting unit.

***Contact Information***

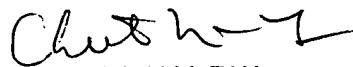
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung X. Nguyen whose telephone number is (571) 272-3010. The examiner can normally be reached on Monday through Friday from 8:00 AM to 17:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan, Chieh M. can be reached on (571) 272-3042. The fax phone numbers for this group is (571) 273-3021.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

DXN

February 16, 2006



CHIEH M. FAN  
SUPERVISORY PATENT EXAMINER